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# **Articles in Today's Clips**

## **Wednesday, February 15, 2006**

(Be sure to maximize your screen to read your clips)

TOPIC	PAGE
*Child Abuse/Neglect/Protection	2-14
*Background Checks	15-25
*Juvenile Justice	26-27
Adult Foster Care	28-31
Health Care	32-33
Heating Assistance	34
Shelter	35
State Budget	36-39
Child Support	40-42
Minimum Wage	43-45
Appointments	46

Feb 15, 6:50 AM EST

## **State official promises probe after child's beating death**

LANSING, Mich. (AP) -- State Human Services Director Marianne Udow says her agency will investigate whether it needs to change its child protection system following the beating death of a 7-year-old boy. His parents are charged with murder.

Ricky Holland of Williamston was reported missing July 2, prompting a large-scale search. His remains were found in rural Ingham County on Jan. 27.

His parents, Tim Holland, 36, and Lisa Holland, 34, were charged with open counts of murder. They have pleaded not guilty and face a preliminary examination Feb. 28.

"When a child dies and the department has been involved in any way," officials "examine every decision made by every individual involved to determine if a tragedy could have been averted," Udow said in a statement Tuesday.

The state Department of Human Services on Feb. 7 asked Ingham County Circuit Court to give the state temporary custody of the couple's four surviving children, who have been staying with relatives.

On Monday, a court released documents that showed that case workers suspected Lisa Holland had abused several of her children in recent months, according to the Lansing State Journal, The Detroit News and the Detroit Free Press.

The documents also showed that the parents accused each other of killing Ricky.

"This should be the wake-up call that we, as a state, say 'Never again,'" said Sharon Claytor Peters, head of the advocacy group Michigan's Children. "But until we begin to put the resources behind this pledge, we won't fix it."

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## Michigan

# Boy's death leads to inquiry

## State agency chief promises a review

*February 15, 2006*

**BY JACK KRESNAK**

*Detroit Free Press*

The director of the Michigan Department of Human Services pledged Tuesday to review every action made by the agency's child welfare workers involved in the case of Ricky Holland, the 7-year-old Williamston boy whose skeletal remains were found in an Ingham County field last month.

Ricky's adoptive parents, Timothy and Lisa Holland, are charged with open murder in his death. Each accuses the other of killing the boy last summer, according to the Ingham County Sheriff's Department.

A transcript of a previously suppressed Feb. 7 hearing in 55th District Court in Mason shows that detectives investigating Ricky's disappearance learned that several reports had been made to the Child Protective Services division of the human services department, alleging that Ricky and his siblings were being maltreated.

"School personnel suspected physical and mental abuse by the parents, Tim and Lisa Holland," Detective Sgt. Roy Holliday testified at the hearing.

"Evidence of parental abuse -- both physical and mental -- were reported to protective services. Evidence of parental interference with normal development, evidence of food deprivation, evidence of intentional and continued humiliation of Ricky Holland by his parents ... became evident during the investigation."

The Hollands inappropriately used diapers and restraints on Ricky, including restraints used on the school bus and a harness or a leash, Holliday testified.

The detective also said that Lisa Holland sent Ricky to school with "carrot sandwiches daily, when it was known that he did not like carrots."

Holliday said that the Hollands, who lived in Jackson County before moving to Williamston in Ingham County last June, frequently told authorities that Ricky was emotionally unstable or mentally ill.

School personnel, who are required by Michigan law to report suspected child maltreatment to Child Protective Services, also noticed frequent bruises and marks on Ricky, as well as "constant humiliations" of the boy, according to Holliday.

The transcript was released Monday by 55th District Judge Rosemarie Aquilina in response to a request by the Lansing State Journal and WILX-TV, a Lansing television station. The case attracted publicity because the Hollands initially claimed that Ricky had run away from home. Dozens of police officers and volunteers searched for him for 10 days in July.

After Lisa Holland was charged with domestic assault in late January, the couple's story about Ricky's disappearance crumbled. Tim Holland, who said his wife beat Ricky with a hammer, led police to his body. It was wrapped in a garbage bag in a field in Leroy Township.

Based on Holliday's Feb. 7 testimony, the Hollands were charged with murder. They face a Feb. 28 preliminary examination and are jailed in lieu of \$1 million bonds.

The release of the Feb. 7 transcript prompted the director of the human services department, Marianne Udow, to issue a statement Tuesday that "We are committed to doing whatever needs to be done to keep children like Ricky and his siblings safe."

Udow also called news reports about Child Protective Services' actions "entirely premature and irresponsible."

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# Boy's death shows how state fails kids

Program designed to keep children with families can put youngsters such as 7-year-old Ricky in danger.

*Karen Bouffard / The Detroit News  
February 15, 2006*

The death of 7-year-old Ricky Holland, whose adoptive parents are accused of murdering him, illustrates problems in the state system that must be remedied to protect Michigan's children, a top child advocate said Tuesday.

"It highlights the fact that even though the system is conceived to find these children, in far too many cases, they fall through the cracks," said Sharon Claytor Peters, president and chief executive of Michigan's Children, a Lansing-based child advocacy group.

"This (case) should be the wake-up call that we, as a state, say 'Never again.' But until we begin to put the resources behind this pledge, we won't fix it."

Ricky was allowed to remain with his parents even though school officials and neighbors reported abuse, according to court documents released this week. Documents obtained by The Detroit News Monday revealed that Children's Protective Services workers observed signs of physical abuse among Ricky's surviving siblings, as recently as January. Ricky and three of his four siblings were adopted through the state foster care system.

Michigan has a policy it calls Families First, whose goal is to keep children with their parents, even when abuse is suspected or even confirmed.

Through Families First, special services are funneled to parents in danger of having their children removed from the home. A recent study by Boston College researchers found the program has succeeded in reducing the number of children who are unnecessarily taken from their homes.

Michigan Human Services Director Marianne Udow, in the state's first comment on Ricky's case, said Tuesday that her agency is "committed to doing whatever needs to be done to keep children like Ricky and his siblings safe."

"We assure you, any time a child dies and the department has been involved in any way, we look at everything we have done as an agency and examine every decision made by every individual involved to determine if a tragedy could have been averted," she said in a written statement delivered to The News. "We also look at our overall practices to see if any changes are needed to better protect children."

Claytor Peters said social workers should have been tipped off that something was wrong when Tim and Lisa Holland moved the family from Jackson to Williamston in April, and began home-schooling Ricky. The school district in Jackson had reported abuse to state officials.

"Clearly, there were flags," she said. "Where we have the biggest trouble is when there's movement from one county to another. Clearly, this family was trying to evade. The home-schooling was one way to slip (through the cracks)."

Claytor Peters said Michigan has too few child protection workers with too little training. She called on lawmakers to increase the state's investment in children.

"The state underwent early retirements to save money in the last five to seven years, and protective services is a very specialized kind of work," she said. The Families First policy was questioned Tuesday by George Zulakis, an Ingham County attorney specializing in child abuse issues, who said the policy sometimes fails, with tragic consequences.

Often, few good alternatives exist for children who are abused by their families, Zulakis said.

"Your initial reaction when you see a child that's abused is that the child should never go back to that home," he said. "But then you put that child in foster care, and the new reality sets in.

"Very frequently, the foster families are underpaid and overwhelmed, not highly trained and are dysfunctional themselves," he added. "Many judges believe it's better for a child to be in a dysfunctional home they're related to, rather than a dysfunctional home that they're not."

Ricky's body was found in a ditch Jan. 27 -- more than a half-year after his parents reported him missing. Police say each parent has accused the other of killing him. A preliminary hearing for the two is set in Ingham County for Feb. 28.

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# **Caseworkers reported signs Ricky's siblings were abused**

State agency to consider changes after court papers reveal details

*By Kevin Grasha*

*Lansing State Journal*

*February 15, 2006*

In response to the Ricky Holland case, the state Department of Human Services said Tuesday it will look into whether it needs to make changes to better protect children.

That pledge from the agency's director, Marianne Udow, came one day after court documents revealed that caseworkers saw evidence of physical abuse on Ricky Holland's siblings in October 2005 - three months after the 7-year-old was reported missing by his father, Tim Holland.

"When a child dies and the department has been involved in any way," Udow said in a statement, "(we) examine every decision made by every individual involved to determine if a tragedy could have been averted."

Ricky was reported missing July 2; his remains were found last month in rural Ing-ham County. His adoptive parents, Tim and Lisa Holland, are charged with murder and remain jailed. They have accused each other of killing Ricky.

## **Court documents**

Court documents released this week show that state caseworkers suspected Ricky's mother, Lisa Holland, of abusing at least three of the four children last fall and early this year.

Caseworkers noticed bruises and scratches on Ricky's 4-year-old brother during at least three visits to the Hollands' Williamston home.

In December 2005, the 4-year-old told a caseworker that his mother had hit him with a spatula. Using a doll, he demonstrated how he had been hit. The next month, he told a caseworker that scratches on his neck and back had come from "Mommy."

In January, caseworkers also noted the Hollands' 20-month-old biological daughter had a black eye and bruises on her face and torso.

Lisa Holland's attorney, Mike Nichols, said his client has "always categorically denied ever abusing any of her children."

He added: "I definitely want to investigate further what or who prompted ... a 4-year-old boy to say those things," he said.

On Friday, a judge placed the children - who range in age from 1 to 4 - in state custody but ruled they could continue living with Tim's sisters.

## **School reports**

Officials at the Jackson school where Ricky attended kindergarten and first grade said they filed multiple reports with state Child Protective Services.

Teachers, administrators, nurses and bus drivers at Cascades Elementary School suspected physical and mental abuse by the parents, according to court documents released Monday.

Associate Principal Ed Peterson was not at the school at the time Ricky attended, but he said his understanding is that reports were filed over both years Ricky was there.

"It's too bad nothing further was done when the reports were filed," he said.

He added that the school files about a dozen cases with Child Protective Services every year but doesn't have the resources to follow up on all of them.

Peterson said Ricky's mother withdrew him in the spring of 2004, just before the end of the school year. The Hollands, who moved to Williamston in the spring of 2005, have said they home-schooled Ricky after that.

### **Validating complaints**

Department of Human Services officials would not comment specifically on the case but said by law they have to investigate abuse and neglect charges within 24 hours of an allegation being made.

Spokeswoman Maureen Sorbet said the first step is to determine if the claim is valid, for example, by talking to the parents, neighbors, relatives, teachers and police.

They have 30 days to complete the investigation, she said.

If the agency determines abuse occurred, it would petition the court to remove the child.

About half of complaints are investigated, and about 25 percent of those are substantiated by the evidence, said Ted Forrest, manager of policy and programs for Child Protective Services.

"About 7 or 8 percent result in some type of petition being filed with the court," he said, adding not all of those petitions are for removal.

Richard Dombrowski, a Lansing psychologist whose patients include children and adults, said he has reported abuse in other cases in the past to Child Protective Services but is concerned that not every case gets attention.

"Is the system able to follow up on all the complaints it gets?" he asked. "A lot of things get reported. How they're followed up is another thing."

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# Holding funeral for Ricky complicated by court case

*Karen Bouffard / The Detroit News*  
*Wednesday, February 15, 2006*

Seven months ago, hundreds of volunteers searched for Ricky Holland, on foot, by helicopter, even underwater.

Today the body of the slain 7-year-old lies unclaimed in a Michigan State University forensics laboratory, and strangers have stepped forward offering to pay for the funeral of the child whose adoptive parents are charged in his death.

Ingham County Medical Examiner Dean Sienko said Monday that he can't release the body, which was found Jan. 27 in a rural Ingham County ditch, until legal issues are worked out. But his office was swamped with offers from strangers anxious to provide the child with a dignified end.

The issue is determining who in the family gets the remains," Sienko said. "Typically we contact the next of kin, (but) this is complicated.

"Since he was adopted, his biological parents have no rights to his body.

"So now we have to work through the adopted families, and we will proceed in the normal line of succession. It's my responsibility to determine the next of kin."

Sienko said no family members have requested the remains. To do so, they would need to file a petition with the state Department of Human Services. If nobody claims the body, it would be up to Human Services to provide a burial or cremation.

Meanwhile, several people also called The Detroit News with offers to provide final rites for Ricky.

One church pastor wrote to say he would provide the services, and others called willing to start fundraising drives to support a memorial or scholarship fund in Ricky's memory.

Ray St. Clair of Brighton was among those moved by the story of the hungry and abused little boy.

"We've got to put a park bench up for this kid or something," he said. "This hit me in the heart."

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Published February 15, 2006  
[ From the Lansing State Journal ]

## **Open: Applause for Judge Aquilina; she correctly ruled in public's**

A Lansing State Journal editorial

Ingham County District Court Judge Rosemarie Aquilina righted a wrong on Monday, thereby making a powerful statement about the need for open court proceedings.

Aquilina ordered a transcript be made public of last week's arraignment hearing of Tim and Lisa Holland, who are charged with open murder in the death of their adopted child, 7-year-old Ricky Holland. Last week, fellow District Court Judge Thomas Boyd agreed with the Ingham County prosecutor's motion to suppress arraignment testimony. The public, including the media, was barred from hearing that testimony.

Fortunately, Judge Aquilina sees things differently. She recognizes a compelling interest in having such court proceedings open. And, in fact, Michigan law explicitly states that court proceedings "shall be public."

Aquilina was equally explicit in explaining her ruling. "It's fair to say people have a right to know about a child they were intimately interested in," she said.

That's an important point. Ricky Holland's disappearance last July was not simply front-page news. His disappearance created an outpouring of support and volunteer work by hundreds of people who spent weeks looking for the child. The public was, indeed, "intimately interested" in the child's well-being.

That level of public interest, and heartfelt caring, didn't evaporate when the boy's body was found last month.

Judge Aquilina also rejected Prosecutor Stuart Dunnings III's argument that an open arraignment would potentially prejudice the public and make it more difficult to have an impartial jury.

It's disturbing that Dunnings seems obsessed with the media's role in this case. This isn't the first time. In 2001, he succeeded in getting facts of a search warrant suppressed.

Judge Aquilina is probably not a very popular person in the prosecutor's office these days. But the general public should stand up and applaud her.

# Ruling clears way for kid porn charge

Wednesday, February 15, 2006

By John Agar  
The Grand Rapids Press

GRAND RAPIDS -- Police say children as young as 6 months old were depicted in child pornography found on a Grand Rapids man's computer.

"They were the worst I've ever seen -- they were just nasty," Grand Rapids police Detective Les Smith said Tuesday.

A recent appeals court ruling cleared the way for prosecutors to charge Jean Pierre Compeau with using a computer to commit a crime. Compeau, 41, also is charged with possessing child sexually abusive material. He faces up to 20 years in prison if convicted.

Compeau waived his preliminary examination Tuesday in District Court while he considers a plea offer. Judge Jeanine LaVille ordered him to stand trial.

Prosecutors charged him a year ago, but the case was halted while the state Court of Appeals reviewed a case involving a Muskegon man who allegedly set up a hidden camera to record a foreign-exchange student showering.

At issue was whether putting images on a compact disc amounted to making and producing child sexually abusive material.

The Muskegon man, Brian Lee Hill, told police he downloaded child pornography from Russian Web sites then compiled them on CDs, court records showed. The defense in the Muskegon case argued that "burning" or saving images to a CD does not rise to the level of producing or making child pornography -- it was storage of data. The defense said possession of child pornography was the appropriate charge.

But prosecutors said the Legislature intended to criminalize "all production of child pornography, including the making of copies," according to a recap of their argument in the appeals court decision published late last month. Prosecutors noted that the increased use of computers has allowed people to share those materials with "relative ease."

The decision by William Murphy, Brian Zahra and Janet Neff said: "It would be nonsensical to find, even under a narrow interpretation of the word 'make,' that defendant did not make child-pornography (compact discs)."

Kentwood police Detective Gerald McCarthy, who investigates cyber crimes for area departments, said the ruling was important because child pornographers typically save such materials.

Smith, the Grand Rapids detective, said police were called in late 2004 by a neighbor who tried to help Compeau with his computer. Smith said Compeau's computer needed work, but he didn't want to take it to a store for repair.

The neighbor saw disturbing images, and contacted police, he said.

Police determined that the photos did not involve Compeau's own young children.

Police have no idea where the photos originated, but said 15 to 20 children were depicted.

Defense attorney Donald Pebley asked the judge to lower Compeau's \$100,000 bond and allow contact with his children, but she refused. Assistant Prosecutor Helen Brinkman said Compeau "poses a danger to the community," and that infants were among children depicted in illegal images.

# **Music teacher's hearing March 2**

Tuesday, February 14, 2006

THE SAGINAW NEWS

CARO -- A Cass City High School music teacher has a Thursday, March 2, pre-trial hearing on charges that he sexually assaulted a high school student when he lived in Tuscola County.

Doug Burtch, 28, faces two counts of third-degree criminal sexual conduct and six counts of fourth-degree criminal sexual conduct. Circuit Court officials have not set a trial date.

The former student has said she was 17 when Burtch invited her to a carnival fundraiser he was helping to manage at Cass City High School in October 2004.

Meanwhile, Burtch has a Tuesday, March 14, trial on charges of third-degree criminal sexual conduct with a student and fourth-degree criminal sexual conduct with a student between December 2003 and May 2004 at his Sanilac County home.

School officials placed Burtch on administrative leave.

# Doing more to fight methamphetamine

February 14, 2006

Kalamazoo Gazette

We're glad the Michigan Legislature is taking the methamphetamine plague seriously. Local state lawmakers, including state Sen. Tom George, R-Texas Township; state Sen. Cameron Brown, R-Sturgis; state Sen. Patricia Birkholz, R-Saugatuck; and state Rep. Tonya Schuitmaker, R-Paw Paw, held a press conference Monday to lay out the package of bills that would outline rules for meth lab cleanup, create longer probationary periods for meth offenders, urge educators to do more to detect meth use among students or their parents, classify meth use as child abuse that must be reported, and allow meth offenses to be factored into child-custody cases.

It is especially important that the state set up rules governing cleanup of meth labs, so property owners face the same rules statewide instead of the patchwork of enforcement that the state has now.

One thing we'd ask the Legislature to be mindful of, however: Don't make it impossible for property owners to regain the use of their property, absent obscene financial outlays for rehab. Often, meth labs are found in rental properties or hotel rooms, where tenants or overnight guests are the people doing the cooking.

But when a meth lab is busted, it is the landlord or hotel owner who is stuck with the cost of gutting and rehabilitating apartments or houses or rooms. And it is the landlord or hotel owner who loses rental income until inspectors say the property is safe to inhabit again.

A state fund that would assist innocent property owners faced with expensive cleanup costs and revenue loss because of the action of a tenant or guest could be one way to make certain that cleanups are done quickly and properly. And it would ease the financial burden on innocent owners. Not-so-innocent owners -- those who are cooking on their own property or who know their tenants or guests are cooking and choose to ignore it instead of reporting it to police -- need not apply.

The state Legislature has taken the step of making it more difficult for meth-makers to get their hands on large quantities of pseudoephedrine, an over-the-counter decongestant that also is an important ingredient in the manufacture of methamphetamine.

We welcome an attempt by the Legislature to take this a few steps further by protecting children, lengthening probation to make certain meth offenders are getting the treatment they need, and to protect the environment made toxic by the drug's manufacturing process.

# **County views endangered children protocol**

February 15, 2006

By Roland Stoy  
Coldwater Daily Reporter Staff Writer

**COLDWATER** — It is not a matter for debate or discussion.

The Branch County board at their regular meeting tonight is expected to vote to sign on to protocol regarding child protective services (CPS) and dwellings where there is evidence of methamphetamine use or manufacture.

The protocol calls for the immediate notification of CPS by law enforcement officials if they enter a property on a bust and there is evidence of children even if there are no children present at the time, for example, if there are toys or other objects that indicate they have been present there

Wednesday, February 15, 2006

## **Criminal lists to be recalled Judge rules that checks of school workers' pasts shouldn't be released because of inaccuracies.**

Eric Lacy and Christine MacDonald / The Detroit News

A federal judge ruled Tuesday that lists of school employees' criminal histories, which unions say are plagued with errors, must be recalled by the state because the information could falsely accuse employees of crimes.

The order by U.S. District Court Judge Paul V. Gadola, which also bars release of the lists, stands for 10 days. It's unclear just how the ruling affects school districts that are using the lists to investigate employees' backgrounds and take action against staff members with reported criminal convictions.

But an attorney representing the American Federation of Teachers Michigan believes the recall stops school districts from making any further personnel decisions based solely on results from the lists.

"If they don't have the list, they can't use it," said AFT Michigan attorney Mark Cousens. "It doesn't exist."

Officials with the Michigan Department of Education were not aware of the ruling late Tuesday. "We are going to sit down with our legal counsel and sort out the ramifications of this ruling," said Martin Ackley, spokesman for the department.

The state sent the controversial criminal history lists to school districts earlier this year.

The search revealed school employees with more than 4,600 criminal offenses, 2,200 of which were felonies, including murder, sex crimes and kidnapping.

An Ingham County Circuit judge Friday issued a preliminary injunction to keep the lists from being made public because of errors. On Friday, state police said they would make a second criminal history check on school employees to provide more reliable lists. The new lists should be available by early next month.

Errors resulted from cross-matching common names and because of stolen Social Security numbers, police said.

The AFT Michigan's separate lawsuit, filed in federal court in Flint, cited the cases of two school employees whom they said have been mistakenly identified as ex-cons.

One of the women, a support staffer in a Detroit school, was fired by the district Thursday after her name appeared on the lists with a sex crime conviction. The woman said she is innocent but has been told by police she'll have to wait two weeks for fingerprint verification.

Union officials argue the district should have put her on paid leave until the conviction is verified. They say they are convinced she is innocent.

"The most that she has is a traffic ticket," said Ruby Newbold, president of the Detroit Association of Educational Office Employees.

The single mom is under so much stress she is under a doctor's care, Newbold said. She has paid someone to take her daughter to class because officials told her to stay away from their school buildings, Newbold said.

Detroit schools spokesman Lekan Oguntinyinbo said the district followed state instructions when it fired employees who appeared on the lists with sex crime convictions.

Oguntinyinbo said late Tuesday the district has fired two or three employees. He said they will have a chance to clear themselves.

Under the law, school employees previously convicted of a sex offense must be immediately fired upon fingerprint verification.

Other districts have opted to put employees on administrative leave until convictions are verified.

The lists were compiled by the state police, which ran school personnel information through its database of criminals.

The Michigan Education Association, another teachers union, supports the recall of the lists because it believes they are rife with errors.

"The list is completely useless," said Margaret Trimer-Hartley, spokeswoman for the association.

The Detroit News has filed a Freedom of Information Act request to get access to the records.

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What's next

U.S. District Court Judge Paul V. Gadola's temporary restraining order stands for 10 days. At the end of that period, he could extend it or make a final decision.



# School crime list recalled

Wednesday, February 15, 2006

COREY MITCHELL  
THE SAGINAW NEWS

Mid-Michigan school officials are breathing a sigh of relief after a federal judge's order to recall all copies a list of school employees with criminal convictions, with one superintendent is calling the entire ordeal "a fiasco."

The temporary restraining order that U.S. District Judge Paul Gadola issued Tuesday is similar to one Ingham County Circuit Judge Joyce Draganchuk issued Friday.

However, Gadola's order also requires the defendants -- the state, the Department of Education and the Michigan State Police -- to recall all copies of the list previously released to local boards of education or other units of government.

Critics say the list is riddled with inaccuracies that could harm the reputations of innocent workers or even cost them their jobs. Swan Valley School District Superintendent Richard Syrek agrees.

The list erroneously indicated one Swan Valley worker had a criminal past.

"It's been a fiasco," Syrek said of the release, retraction and recall of the criminal background checks.

"We want to protect our kids but let's get things straight. People who have not done anything could be hurt by this."

The 35,000-member Michigan branch of the American Federation of Teachers sought the restraining order from Gadola. The order is in place for 10 days, and the union said it expects a hearing soon on whether to make the order permanent.

A lawyer for the union's Michigan unit, Mark Cousens, said the recall that Gadola ordered stops school districts from making any more personnel decisions based solely on results from the lists.

"If they don't have the list, they can't use it," Cousens said. "It doesn't exist."

Officials with the state Department of Education were unaware of the ruling late Tuesday, a spokesman said.

"We are going to sit down with our legal counsel and sort out the ramifications of this ruling," Martin Ackley said.

A new law targeting sex offenders prompted the state to check the criminal histories of more than 200,000 school employees. School districts began receiving names from the state this month.

Draganchuk's ruling followed testimony from four teachers who appeared on the list with convictions for drug violations, domestic abuse and other offenses. All four said they had never committed any crimes.

"The intent of the law is very good," said Birch Run Area Schools Superintendent Wayne Wright, "but it's caused a lot of anguish and a lot of problems for a lot of people."

It is unclear when the correct list of convicted workers will become available, but state officials have pointed towards early March.

"Are there still going to be lots of problems?" Syrek asked. "I don't know, but it's a possibility."

State leaders should wait for the results of mandatory employee fingerprinting before making criminal histories public, Syrek and Wright said.

"If they wait for that, there shouldn't be problems," Wright said.

Under the law that took effect Jan. 1, school officials must fire sex offenders on the list. Those with felony convictions must receive approval from the superintendent and school board to stay employed.

Detroit Free Press Editorial

## **Criminal List**

### **State shouldn't delay on public's right to know**

February 15, 2006

While well intended, legislation that would allow school districts to keep secret for 14 days their lists of employees with criminal records is unnecessary and possibly dangerous. It would also surely create a clamor for other exceptions to the Freedom of Information Act that guards the public's right to know.

The legislation was introduced because the initial lists created by the State Police by matching school employee rosters with criminal files contained numerous errors. The lists were produced under a law that took effect Jan. 1 banning people with sex-related criminal offenses from working in schools. But the Michigan Education Association demonstrated enough mistakes in the lists to win a court order stopping their release.

House Speaker Craig DeRoche, R-Novi, is now fast-tracking a bill giving schools 14 days to check their lists before the information is subject to FOIA. That could mean 14 days for school administrators to purge their lists of names they don't think belong there; in marginal cases will they err on the side of employees or the public? Could some employees even be quietly persuaded to leave before the lists are released? Which public employees will be next to ask the Legislature for two weeks to argue in private why their public records should be erased?

Accuracy matters. Reputations and jobs can be at stake. But under FOIA, a public body has five business days to respond to a request for information, and that answer can include taking a 10-day extension to make sure records are accurate. So there's already three weeks built into the existing FOIA law.

Plus, state police say they will use a more sophisticated computer system to generate more accurate lists by March 1, which should address the core of this problem. Under the law, new lists must be released each January and June.

In their rush to safeguard children from predators, the Legislature should have had more assurances an accurate list could be created. Instead, they created a problem and are now proposing to fix it by creating another problem.

DeRoche and others ought to instead review the new computer process to gauge its results.

Holding government agencies accountable for the accuracy of the information they collect makes far more sense than putting an obstacle in the way of the public's right to know.

The Detroit News

Wednesday, February 15, 2006

## **Michigan's faulty school offender list hurts the innocent**

David Hecker

Anyone who is a danger to children should not be working in our schools. I say that as the leader of a school employee union and the father of three children attending public school. Unfortunately, recent legislation that created the much-publicized list of school employee offenders is so fraught with mistakes that it is questionable if it protects anyone's safety. The Michigan State Police, which produced the list, acknowledges inaccuracies and says the best system for developing it was not used.

The result? A school employee "guilty" of nothing more than a parking violation is labeled a sex offender. Another, who has done nothing wrong, is labeled as having committed assault with the intent to commit murder.

I ask every elected and state official involved: What if these examples involved your spouse or your child?

And for those wrongly labeled employees who broke down and understandably could not stop crying: How will the state compensate them? No amount can erase the pain and the suspicion in the minds of colleagues. But something has to be done.

Common sense also indicates that an inaccurate list may omit someone, someone who may be a true threat to our children.

Accuracy is not the only issue. Why does the list include employees who committed misdemeanors that under the legislation call for no action? Why does everyone need to know what someone did when the infraction was so minor that it warrants no concern?

Why are employees of private for-profit companies who work in our schools exempted?

Privatization is devastating enough to our communities. Why do these employees get a free pass? The list exempts employees such as contractors, less than half-time employees and private school employees.

Why doesn't the law consider when an offense was committed? Example: A 20-year exemplary teacher and citizen made a mistake at age 18. The superintendent and school board now must act to keep this person as an employee, although this person is not a threat to anyone.

Have we become a society that now requires proof of innocence rather than a presumption of innocence until proven guilty?

Due process, or the lack of, is also a concern. If school employees are arrested, they must, within three days, send in a specified form to the employer. If they do not, they are fired even if they are innocent of the charge. What happens to the arrested employee who cannot meet bail? How does she or he get that form in? Of course, this discriminates against lower-income employees, who in our discriminatory society are disproportionately minority.

Our elected officials hold very responsible positions, and school children visiting the capitol meet with them. Should we expand coverage of these laws to cover all elected officials?

School safety laws should be crafted in a way that does not label an innocent person as a sex offender; denies due process; gives for-profit companies a pass or reveals an employee's history when it has no impact on my children's safety.

*David Hecker is president of American Federation of Teachers Michigan, which persuaded a federal judge in Flint to recall the state school offender list and replace it with a more accurate version. Please e-mail letters to [letters@detnews.com](mailto:letters@detnews.com).*

Wednesday, February 15, 2006

Detroit News Editorial

## **Criminal records should be accurate -- and public Teacher offense list reveals appalling status of data**

The next report on teachers with criminal records must be error-free -- not like the faulty Michigan State Police list that included a gym teacher accused of being jailed for theft at age 6. Accurate criminal data is a fundamental record of society -- the way government marks the bad guys and keeps track of who's paid their debt and who hasn't.

State crime records apparently include people listed under stolen Social Security numbers, making searches on the data less reliable, suggesting a problem that goes beyond finding teachers with criminal histories.

So little wonder police failed when compiling criminal checks on school employees. They started with faulty files and, for good measure, didn't think it out and made a full mess of it.

The first list matched teachers with a criminal data base by using names and Social Security numbers.

Teachers complained they were unfairly listed as crooks. For example, Salvatore Orlando, an Oak Park High school teacher, was told he has a cocaine conviction, which he says is incorrect. A teacher in Big Rapids was unfairly nailed for seven misdemeanors and one felony. And Eric Frohriep of Eaton Rapids was accused of committing theft at age 6.

State Police had apparently confused sorting data with providing an accurate report to the state Education Department.

So now the agency is going back and taking a closer look. A new list of teachers will also match year of birth and sex. The new tactic might reduce errors but still isn't bullet-proof. If officials are going to out a teacher as a felon, they should assure accuracy before compiling a final report. The first list, the faulty one, was sent to the state Education Department because State Police thought it was to be used internally. That's not a good excuse to distribute inaccuracies.

The revised list is scheduled to be completed March 1. Like all such government records, it should be made public. Parents and others have the right to know what kind of person is teaching children.

But the information must be correct to be both fair to teachers and useful to parents.

# Judge blocks naming of convicted school workers in Michigan

February 15, 2006

DETROIT (AP) — A federal judge has temporarily blocked Michigan from making public a list of school employees with criminal convictions. Critics say the list is riddled with inaccuracies that could harm the reputations of innocent workers or even cost them their jobs.

The temporary restraining order that U.S. District Judge Paul Gadola issued Tuesday is similar to one issued Friday by Ingham County Circuit Judge Joyce Draganchuk.

But Gadola's order also requires the defendants — the state, the Department of Education and the Michigan State Police — to recall all copies of the list previously released to local boards of education or other units of government.

The 35,000-member Michigan branch of the American Federation of Teachers sought the restraining order from Gadola. The order is in place for 10 days, and the union said a hearing on whether to make the order permanent is expected soon.

A lawyer for the union's Michigan unit said the recall that Gadola ordered stops school districts from making any more personnel decisions based solely on results from the lists.

"If they don't have the list, they can't use it," Mark Cousens. "It doesn't exist."

Officials with the Michigan Department of Education were unaware of the ruling late Tuesday, a spokesman said.

"We are going to sit down with our legal counsel and sort out the ramifications of this ruling," Martin Ackley told The Detroit News.

A new law targeting sex offenders prompted the state to check the criminal histories of more than 200,000 school employees. School districts began receiving names from the state earlier this month. Draganchuk's ruling followed testimony from four teachers who appeared on the list with convictions for drug violations, domestic abuse and other offenses. All four said they had never committed any crimes.

The "false positives" likely resulted from matches involving common names and stolen Social Security numbers, state officials said.

It is unclear when the correct list of convicted workers will be available.

Under the law that took effect Jan. 1, sex offenders on the list will be fired. Those with felony convictions must receive approval from the superintendent and school board to stay employed. Detroit Public Schools spokesman Lekan Oguntinyinbo said the state's largest district followed state instructions when it fired employees listed with sex crime convictions.

He said Detroit has fired two or three employees and said they will have a chance to clear themselves.

A spokeswoman for the Michigan Education Association said the state's largest teachers union supports the recall of the lists because they are full of mistakes.

"The list is completely useless," said Margaret Trimer-Hartley.

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On the Net:

Michigan Department of Education: <http://www.michigan.gov/mde>

American Federation of Teachers Michigan branch: <http://aftmichigan.org>



Wednesday, February 15, 2006

Detroit News

Letters

## **Arrest records: Fair game or an invasion of privacy?**

### **Scrutinize backgrounds**

Our most vulnerable are attending public schools at our tax expense. Schools should have done an ICHAT (Internet Criminal History Access Tool) criminal background check. Two thousand two hundred felons should never have been hired.

*John Shibbish*

*Chesterfield Township*

### **Print everyone's record**

The legislation was designed to keep sex offenders away from our schools ("Release criminal records of school workers," Feb. 1). Good idea. Why then is any record (such as a misdemeanor) of an employee's past being given to districts? And why would The News want it? If one person's past is everyone's business, why not everyone's past?

*Michael Reiff*

*Teacher*

*Highland Elementary School*

*Highland*

### **Big Brother gets closer**

Following The News' logic, it should be able to review the criminal records of any public employee. This would include legislators, judges, mayors, police and fire personnel as well as possibly the garbage man. Look out; Big Brother is getting closer.

*Tom Kaul*

*Wyandotte*

# Ingham Co. court pulls 18 kids from Highfields center

Staffer reported abuse of a boy, judge confirmed

*By T.M. Shultz  
Lansing State Journal  
February 15, 2006*

ONONDAGA - Court officials removed 18 children from a residential treatment center Tuesday evening after an employee there reported that other staffers had mistreated a boy.

Ingham County sheriff's officials are investigating the incident at Highfields Inc., Sheriff Gene Wriggelsworth confirmed Tuesday night.

The county pays Highfields \$1.6 million a year to set aside 24 beds for troubled youngsters.

Chief Circuit Judge William Collette told county commissioners at a meeting Tuesday night that one child was being examined by a doctor. The others were relocated to undisclosed locations.

Collette told commissioners that a staffer reported that two other workers marched a boy around outside in his underwear Monday night. The staffer found the boy with his head in a snowbank, stopped the mistreatment, and called court officials in the morning.

"One of the youth around bedtime started to act up," Highfields President and CEO Jim Hines said by phone Tuesday. "There are different stories, and we're trying to figure it out.

"Yes, there was a snowbank. Yes, there was restraint going on. Was the kid in his underwear? I don't know."

He said it was the second incident in less than three weeks involving Ingham County youth in a program called StART - Stabilization Assessment Reintegration and Treatment.

"I think in both circumstances something happened that shouldn't have," Hines said.

The first incident involved a youth who said he was threatened by other youths, Hines said.

Hines said he will cooperate fully with the investigation and that the facility will do its own, as well.

Contact T.M. Shultz at 377-1061 or [tshultz@lsj.com](mailto:tshultz@lsj.com).

## **Harsh on Kids**

### **Strike a better balance of toughness and fairness**

February 15, 2006

Macomb County Prosecutor Eric Smith wears the tough-on-crime label with some pride. That's fine. He won his job on that promise and probably retains the support of most of those who elected him in 2004.

Still, the tough stance -- especially where juveniles are concerned -- isn't necessarily the smartest or most effective. Some of the charging decisions on Smith's watch have been neither.

The prosecutor's office slapped a felony terrorism charge on a 12-year-old girl who police say told friends she was going to bomb a middle school in Clinton Township. In another case, Smith charged 14-year-old Courtney Hood as an adult with attempted murder for holding a classmate underwater.

To be sure, young people must be held accountable. They must also receive the counseling and other support needed to change their behavior. Court-ordered probation probably works best in cases that involve children committing irresponsible but not heinous acts. Rehabilitation and change are most possible with the young.

In Smith's defense, tough charges don't prevent a judge from ordering treatment instead of incarceration in juvenile cases. Smith said, for example, that he doesn't expect the 12-year-old charged with making terrorist threats to go to jail, although the charge can bring 20 years.

Nevertheless, over-the-top charges mean more jury trials in an already burdened court system and could lead to punishments that are unnecessarily harsh and damaging to the child.

Smith says he's deterring, even preventing, similar acts. But simply scaring people straight rarely works, especially with the young, who believe they're invincible and don't expect to get caught. Since Columbine, Smith can't afford to ignore actions that, in another time, would have been considered little more than pranks. To be effective and fair, though, he must be judicious as well as tough.

# **State Senate votes on rule for adult foster care homes**

## **Regulation would have given preferences to union workforce**

February 14, 2006

By DAWSON BELL  
FREE PRESS STAFF WRITER

The Michigan Senate voted 22-15 along party lines today to prohibit regulation of adult foster care that gives preferences to homes where the workforce is unionized.

The legislation came in response to concern among foster care home operators and patient advocates that Gov. Jennifer Granholm and the state Department of Human Services were preparing to issue new guidelines for homes that were tailored to the needs of organized labor instead of patients.

The draft rules assumed that homes with union workers meet some licensing requirements on staffing and patient care.

Significantly, it received less than the two-thirds majority needed to override a veto from Granholm should the legislation reach her desk.

More than 50,000 elderly and infirm adults live in licensed foster care facilities in Michigan, and a review of state regulation involving health and safety, staffing levels and employee compensation has been under way for a year.

Critics of that process said draft proposals released last fall could cost the industry \$35 million a year and lead to the closure of some facilities.

Department officials and Senate Democrats denied that claim and said legislative action was premature.

Sen. Gilda Jacobs, D-Huntington Woods, said Tuesday administration officials have agreed to consult more thoroughly with industry officials and patient advocates before issuing a formal proposal for new rules.

The Senate legislation adopted today is now headed for the state House.

February 11, 2006

## **SENATE PASSES BILLS BLOCKING UNION RULES**

Legislation blocking the state from adopting administrative rules that Republicans said would favor unions in all long-term care facilities – and that one senator said would mean that older persons would be thrown in the street – passed the Senate Tuesday on straight party-line votes.

Democrats said it was premature for the Legislature to act on SB 1026, SB 1027, SB 1028, SB 1029 and SB 1030 since the rules in question are still in process, and since the state has agreed with nursing home and adult foster care centers to develop rules that are agreed to by all groups.

“These bills are premature at best, and anti-worker at best,” said Sen. Irma Clark Coleman (D-Detroit).

But Sen. Nancy Cassis (R-Novi) said the system currently is working well and there is no reason to change it with the proposed administration rules.

Senate Majority Floor Leader Sen. Bev Hammerstrom (R-Temperance) said the proposed rules would imply that long-term care homes employing union workers automatically met certain safety standards.

And Sen. Alan Cropsey (R-DeWitt) said if the rules were not blocked then the cost of health care would be driven up, some homes would be forced to close and older persons would be forced out into the street.

“If we are going to stop senior citizens from being thrown out into the street we have to pass these bills,” Mr. Cropsey said.

One issue surrounding the proposed rules is how quickly the administration may act on them. While administration officials said last week that the initial yearlong time period to study the rules had been truncated, they did not indicate the rules were imminent.

Mr. Cropsey said the legislation was the only real way the Legislature could block the rules because once they were submitted to the Joint Committee on Administrative Rules, lawmakers would be powerless to stop them. Senate Minority Floor Leader Sen. Mark Schauer (D-Battle Creek) disputed that assertion, saying the Legislature can block rules on at least a temporary basis.

In testimony last week, nursing and foster care home operators said the proposed rules would force higher costs on them if their homes were not union-represented. But union officials said they have struggled for years to win negotiated agreements with homes where the workers had voted to have union representation.

Sen. Gilda Jacobs (D-Huntington Woods) unsuccessfully tried to amend the bills to stipulate that no state funding would go to homes that attempt to block labor organizing efforts. She said the amendment would put the state's requirements on the same footing as the National Labor Relations Act. But Sen. Bill Hardiman (R-Kentwood), sponsor of the main bill in the package, said he wanted to keep the package focused solely on health and safety issues.

## DCH Budget Calls For Adult Home Worker Raise

Adult home workers would see their hourly rate bumped from a minimum of \$5.15 to \$6.60 under the governor's executive recommendation for the Fiscal Year (FY) 2007 budget, according to an administrative presentation today. In reviewing the Department of Community Health (DCH) budget in front of the Senate DCH Appropriations Subcommittee today, DCH Director Janet **OLZSEWSKI** projected the raise would cost the state \$20 million in next year's budget. It comes as state Democrats push to increase the minimum wage statewide. A ballot proposal supported by the unions and Democrats have the state minimum wage being increased to \$6.85 an hour. The governor's recommendation increases funding 9.7 percent, bringing the total DCH budget to \$11 billion. It includes a 1.7 percent increase in General Fund support for a \$3 billion total General Fund expenditure. DCH's slice of the state budget makes up 26.4 percent of what the state spends and 33 percent of what the state spends out of its General Fund.

Some of the other changes recommended by the governor include:

- Increasing the so-called "bed tax" at hospitals from 1.8 percent to 2.8 percent - Restoring hearing and vision screening by moving the funding to the K-12 budget. The \$5.1 million used to make sure kids can see and hear OK is now going to be taken out of the local funds used for intermediate school districts The Administration is also recommending a FY 2006 supplemental for the department. Some major items are:
- Federal Medicare Prescription Program - \$36.2 million in federal funds and \$27.8 million from the General Fund to cover the costs of so-called dual eligibles previously thought to be covered by the federal prescription program.
- Pandemic Flu: \$2.9 million in federal funds for planning and preparedness in combating pandemic influenza and to manage the administration of the antiviral drug Tamiflu to immunize health care workers and persons at risk of serious illness, hospitalization, and death.

# Budget: Health proposal is high point of status quo effort

*A Lansing State Journal editorial  
February 15, 2006*

Gov. Jennifer Granholm's proposed 2007 state budget isn't radical. It will be contentious ... this being an election year.

And, if adopted, the budget will largely uphold the status quo in Michigan. That's fine, if Michigan's status quo is good. It isn't.

As usual, the governor's base spending plan is sprinkled with some good ideas, marked by good intentions, but slathered with too much caution to generate significant reform.

The pointy-est points:

- Granholm's plan to extend health coverage to half a million uninsured residents is bold and consistent with her call to advance Michigan's quality of life and aid burdened state businesses. An insured population will be healthier, will put less medical and financial stress on state hospitals and be less of a financial and productivity burden to state businesses. Granholm will have many fights this year, but she should save all possible political capital for this one.

- By contrast, Granholm's plan for colleges and universities is oddly timid and inconsistent with her stated views. The governor has rightly focused on the need to boost advanced education in Michigan. Yet previous budgets have left colleges with little, a policy barely altered in the 2007 plan. Michigan State University, for example is getting the average treatment with a 2 percent state aid increase.

If change in higher ed is vital, why does the governor's spending plan place so little emphasis on it?

- The governor is touting a \$200 increase in the state foundation grant to public schools. This would push the minimum per-pupil allotment above \$7,000.

K-12 education remains a top priority for politicians and the public alike. But, as some school officials already warn, state increases will be chewed up by rising costs of staff health and pension benefits.

If Michigan doesn't link school aid to benefit reform, won't schools be left to simply tread water?

This budget's high points aren't bad; neither, though, are they remarkable.



## **Healthy Babies**

### **Important progress, and a challenge to improve**

February 15, 2006

Infant mortality rates dropped significantly in Michigan in 2004, the first hint in a decade that the state and local health departments may finally have figured out how to reach expectant mothers and bolster them through pregnancy and their baby's first year. The challenge, with the state budget tight as a drum, will be building on this success.

The drop in the rate, from 8.5 to 7.6 deaths for every 1,000 births, is particularly impressive considering that unemployment has climbed, and barometers of social stress such as infant mortality often rise with it. But the overall statistic also masks the fact that virtually none of the improvement reached the African-American community.

The mortality rates for black infants fell, but only from 17.5 to 17.3 per 1,000 births. That's too small a change to create statistical confidence -- and remains a stunning reminder of racial disparity since it's more than triple the white infant mortality rate of 5.2 deaths per 1,000 births. The state will need to keep boosting programs that play into the well-being of mothers-to-be, since good prenatal care can avert many serious problems.

Letting communities tailor their outreach programs to match their residents has worked, often in conjunction with the Nurse Family Partnership, which pairs registered nurses with first-time moms from pregnancy until the baby's second birthday. Messages about safe sleeping for infants -- putting them to sleep on their backs on a firm mattress, with no co-sleeping -- also need to be reinforced for each wave of new parents.

Until the 2004 improvement, progress on lowering Michigan's infant mortality rate had essentially stalled for about a decade. And even assuming this gain holds, Michigan will probably continue to lag the national average, which stood at 7.0 in 2002, the latest year for which figures are available. But Michigan's dedicated health care workers have shown they can make a difference, and that should provide lots of motivation to keep the help flowing to new moms.

# Most of us will beat the heat bill this month

Wednesday, February 15, 2006

By Mary Radigan  
The Grand Rapids Press

Thanks to a drop in the cost of natural gas, most customers will see an \$8 drop in their February home heating bills.

Add the possibility of several days with above-normal temperatures, and the savings could be even bigger, according to a DTE Energy spokesman.

A significant bump in this winter's home-heating costs have been tempered somewhat because of an unseasonably warm January. Now, DTE is passing its gas-price savings to customers, said Scott Simons, a company spokesman.

"The typical gas customer uses 125,000 cubic feet of gas per year," Simons said. "The gas cost recovery charge has dropped from \$11.38 to \$10.95 per 1,000 cubic feet, and that 43 cents savings will be passed on to the customer in February."

The average customer used 15 to 20 percent less gas for home heating last month, compared to a normal January, which typically is the highest gas-usage month. Milder temperatures plus consumer conservation cut demand and lowered wholesale prices, Simons said.

Late last year, DTE warned natural-gas customers they could expect an average 57 percent hike over last year's bills because of soaring crude-oil prices, depleted supplies, high demand and falling U.S. production made worse by last fall's hurricanes.

The average homeowner paid \$150 a month between November and March last year. This winter, the average bill was expected to shoot up to \$235.

Michigan had an average January temperature of 30.3 degrees, the warmest in 112 years and about 10 degrees above average. Forecasters are expecting this month to be as temperate as January.

The price of natural gas has fallen for six straight trading days, and the price for March delivery of natural-gas futures are the lowest since July. The U.S. Department of Energy said natural-gas supplies for the week that ended Feb. 3 rose 23 percent from the same period one year earlier.

The Associated Press contributed to this story.

# Rescue Mission request bears careful study

Sunday, February 12, 2006

Muskegon Chronicle Editorial

Muskegon's planning commission has been wrestling with a delicate matter involving a rezoning request from the Muskegon Rescue Mission that would allow it to expand its Peck Street shelter for women and children. The difficulty is that the Mission's objective of helping the less fortunate -- certainly praiseworthy in itself -- is having a direct impact on those who live in the surrounding neighborhood.

The complaints this issue has brought forth are credible and should be dealt with in any event. And it isn't helpful when the Rescue Mission's director accuses her critics of being "anti-children, anti-poor and needy" simply for wanting to enjoy the same quality of life found not only in many other areas of Muskegon, but in the suburbs and townships.

What's really needed, it seems to us, is an examination of the notion that social welfare agencies tend to be concentrated in older, less-affluent neighborhoods. An independent body should be created, ideally by the city of Muskegon that would include non-residents, to assess the impacts of homeless shelters, foster care homes and the like on localities here and elsewhere.

Such a study could then determine what sectors of a given community are most suitable for them, given the clients they serve. It would also be responsible for charting where such agencies are located, their growth patterns, and include other relevant data that might have a bearing on the core issue here, which is to what degree are inner-cities bearing the costs of being the hosts for virtually all social service agency functions. The argument that our inner cities are where the "problems" are also has a reverse -- that the "problems" tend to gravitate wherever the "solutions" are.

This matter has been tabled since October, having failed on a 4-4 vote of the planning commission in August. Perhaps that is the way things should stay until our city officials can grasp its larger ramifications for one of Muskegon's most stable older neighborhoods.

*MIRS*

*February 14, 2006*

## **DHS Proposes New Welfare Pot**

The Department of Human Services (DSH) is proposing to pay out benefits to some welfare recipients who are unlikely to ever work again from a new pot of money made up entirely of state General Fund money as opposed to traditional federal Temporary Aid for Needy Families (TANF) money.

It's a suggestion that has Republicans, who are anxious to get as many welfare recipients back to work as possible, instantly skeptical. At this morning's House DHS Appropriations Subcommittee, Rep. Jerry **KOOIMAN** (R-Grand Rapids) said he was concerned that the administration was looking for an easy way out of getting certain populations from having to find a job as opposed to pushing the envelope on financial dependence.

But DHS official John **SORBET** argued that if the state doesn't siphon off a certain number of unemployable folks from the TANF roles, the state could find itself involuntarily violating new federal standards and automatically losing as much as \$108 million in the Fiscal Year (FY) 2008 budget. The administration would prefer to spend \$50 million now than lose \$100 million later.

In her proposed FY 2007 budget, Gov. Jennifer **GRANHOLM** set aside \$50 million in General Fund money to create a separate Family Independence Program that would include no work requirements. The pot's creation comes after the new federal budget included a provision that requires states to reduce its number of welfare recipients or face a 5 percent cut in its federal TANF money.

To help Michigan avoid these penalties, the governor's budget creates a new Family Independence Program (FIP) that won't count in the federal government's TANF number and will not be subject to federal work requirements. While DHS officials haven't figured out whom they'd put into this program, possibilities include the disabled who face "significant barriers to employment and two-parent families are not meeting their work participation requirement.

Kooiman, who captained the ship on welfare reform in the House last year, jumped at the suggestion of a separate pool as the administration trying to get around making significant reforms to welfare. Last year, Kooiman and the House Republicans proposed 48-month lifetime limits on people who can receive welfare and increased penalties for those who cannot hold a job.

"My concern is that what we're doing is creating a new pool for individuals with no focus on moving them off welfare," he said. "We're just paying for them out of a different pot instead of doing what we need to do to move them into the workforce ... that's not the way to treat people and that's not the way to move people off welfare."

He continued that federal work requirements for welfare recipients are not onerous and

suggested that the only way to hold people accountable are through sanctions.

Rep. Bruce **CASWELL** (R-Hillsdale) questioned putting "disabled" people into a separate group. From his understanding, the people who are disabled receive separate disability benefits, not TANF money. That means the only disabled people on the state welfare rolls should be those who are applying for disability or those who have been denied disability.

In that case, Caswell asked if the "disabled" really needed to be set aside in a protected group.

The Subcommittee's Democrats came to the administration's defense, noting that DHS hasn't hammered out the details to this program. But even if the disabled are included in the final list, it can take three to five years for a person to receive disability benefits. It's not as easy as one would think to get disability.

Also, are those with mental health issues being taken into consideration? Caswell said sanctioning people with mental illness isn't going to get anybody ahead. Instead of addressing their issues, the chances of them turning into street people and becoming a burden on the criminal justice system is high, said Rep. George **CUSHINGBERRY** (D-Detroit).

"The attitude of this administration is to make sure there is a safety net to provide for the most vulnerable of this society," said Rep. Chris **KOLB** (D-Ann Arbor). "I'm happy this governor will not turn her back on those families in Michigan. If we can keep our focus on how we can help people instead of punish people, we can move as many people as we can off the welfare rolls. If we only focus on the punishment, I don't think we will be successful at all."

REPORT NO. --, VOLUME 35  
Michigan Report

February 14, 2006

## G.F. MONEY FOR D.H.S. SHORTFALLS QUESTIONED

In anticipation of federal funding shortfalls for the Temporary Assistance to Needy Families and Social Services Block Grant programs, the governor's Department of Human Services executive budget lays out a \$93.3 million general fund allocation – including \$50 million for a new state program to help people who don't meet work participation requirements – an idea that received little support from Republicans on the House Appropriations subcommittee on Tuesday.

Under the 2006 federal budget supplement, a credit given to states for reducing welfare caseloads was taken away, so the \$50 million would provide assistance to people who do not meet criteria for other cash assistance programs, said John Sorbet, DHS chief administrative officer.

But Republicans on the panel questioned what the \$50 million allocation was based on, and what other programs people who would fall under the program, such as the disabled, would qualify for. Instead of starting another state cash assistance program, DHS should reduce caseloads by putting recipients under already established programs or by denying assistance because people don't meet the requirements, Republicans said.

Mr. Sorbet said the department is still working out the details of what the new program would entail.

"My concern with this is we're creating a new pool instead of moving them off of welfare," said Rep. Jerry Kooiman (R-Grand Rapids), who led GOP welfare reform efforts in the House.

Rep. Bruce Caswell (R-Hillsdale) agreed, saying the work requirements are not onerous, and that these people should be able to qualify for some type of existing assistance, adding that people with pending applications for disability assistance can qualify for funding under the state emergency relief program.

But Rep. George Cushingberry (D-Detroit) said receiving assistance is not as simple as turning in a federal application. Some people slip through the cracks because they have mental health issues and cannot provide the proper documentation to officials, therefore having no assistance as they wait on the status of their application, he said.

The attention to the DHS budget this year will be centered around welfare reform movements that failed to gain the governor's signature at the end of 2005. Republicans want to see a time limit on how long able-bodied adults receive cash assistance; while Democrats want to make sure people aren't taken off the rolls because they have barriers to self-sufficiency.

“It would have been nice if we had had this attention nine years ago,” said Rep. Chris Kolb (D-Ann Arbor). With staffing cuts throughout the years it’s not surprising that there’s an impact, he said. “If we have any fingers to point, we should point them at us too.”

Republicans argue that the program in place is not working because audits conducted on the department show a lack of documentation for funds dispersed over several years. Mr. Sorbet argued Tuesday that the audits show a small part of the overall picture and that decreased staffing in the administrative and management divisions have affected the department.

A new computer system for DHS, Bridges, is anticipated to relieve frontline workers from spending hours dealing on paperwork, Mr. Sorbet said. However, that program is not expected to be up and running statewide until the end of 2007.

Subcommittee Chair Rep. Rick Shaffer (R-Three Rivers) said members will continue to work with DHS to fix any problem.

Wednesday, February 15, 2006

## Child-support enforcement takes hit

By Christine Vestal, Stateline.org Staff Writer

Deep slashes in the federal child-support enforcement program—including in Congress' most recent budget cuts—have left states searching for ways to avoid scaling back what has been hailed as the government's most successful social-services program.

The changes, effective October 2007, reduce the federal government's share of costs in states' increasingly successful efforts to collect overdue child-support payments from deadbeat parents. Since the federal child-support enforcement program was created in 1975, states have used federal matching funds to employ thousands of caseworkers plus legal, administrative and law enforcement staff to track down parents and collect overdue child-support payments.

Using innovative tactics—such as wanted posters, highway billboards, subpoenas of cell phone records and offers of reduced payments for parents who volunteer to come forward—states now are collecting \$4.38 in child-support payments for every dollar spent on enforcement operations. There's no question that the program has been successful, but congressional budget-cutters argued that the federal share of the \$5.3 billion program is much too high. Congress wrote new rules to trim the federal government's share—which on average covered 88 percent of program costs—and included them in the Deficit Reduction Act of 2005, signed by President Bush this month.

The cuts were made by eliminating a so-called double-dipping provision added in 1998 that matched incentive payments states receive for improving their programs with additional federal dollars.

Now that federal funding has been pulled back, states are faced with either reducing their staffs or coming up with more money to keep their programs running at current levels.

In California, the cuts will put a \$90 million hole in its child-support enforcement program. According to state Rep. Dave Jones (D), the cutback will “result in about \$160 million in lost child-support collections each year, forcing poor families to rely more on welfare and other governmental assistance, further underscoring the folly of these cuts.”

“Given our \$6 billion budget deficit, there is no guarantee that the state can backfill even a part of these federal cuts,” Jones said. As a result, innovative projects—such as the state's experiment with offering reduced rates to parents who volunteer to make overdue payments—could fall by the wayside, he said.

But the director of Virginia's child-support program, Nick Young, said he's confident the Legislature will appropriate the additional money needed to keep the program operating at existing levels. With federal incentive payments, matching funds and offsets to the state's welfare program, Virginia has not had to appropriate revenues for its enforcement program in the last five years.

Virginia's program, which employs about 1,000 people and costs \$84 million, collected \$560 million in support payments last year. Young says he expects lawmakers will consider the \$6 million needed to maintain the program “a pretty reasonable request.”



Serving some 17 million families, child-support enforcement efforts in many cases make it possible for single-parent families to remain self-sufficient, rather than seek support from other government-funded programs, such as Medicaid, food stamps and welfare.

Over the years, states have steadily collected an ever-bigger share of the more than \$96 billion in court-ordered child support that goes unpaid each year. In 2004, states collected nearly \$22 billion in overdue child-support payments, compared to \$15 billion in 1998. During the same period, states increased their success rate—the number of cases collected compared to the total caseload—from 23 percent to 51 percent.

Payments collected by states are turned over to the children's custodial parents or guardians, unless the family is on welfare or has collected welfare payments in the past. For those families, states use the support payments to repay federal and state welfare funds for the money the families received.

Most states keep all of the child-support money they collect for welfare parents, and according to current rules, refund an average of 6 percent of total collections to the feds and 5 percent to state welfare accounts. In a sense, child support payments owed to current and former welfare parents are used to repay their government welfare debt.

The new provision offers states the option of giving welfare parents up to \$100 per month from child-support payments collected on their behalf. Instead of repaying government coffers, states can give their share of the funds to welfare families and the federal government will forgo its share as well.

“Everyone agrees that it's better for parents to know that their payments will directly benefit their families. It encourages parent-child bonds and results in a higher rate of payment,” says Sheri Steisel of the National Conference of State Legislatures.

In the past, states primarily collected child support for families on welfare, but the number of non-welfare clients has increased in the last few years, because of greater awareness of the program. Now, about 50 percent of enforcement clients are low- and middle-income parents who are not on welfare.

“It's almost as if the states' success is being used against them,” said NCSL's Steisel. “What I fear is we're taking a successful program and making it impossible for states to maintain the same level of excellence,” she said.

The Congressional Budget Office (CBO) calculates that eliminating double-dipping provisions will save the federal government \$4.9 billion over the next 10 years, provided states fill in at least half of the funding reductions.

If states don't come up with the missing money, enforcement programs will shrink and federal matching funds paid at a set rate of 66 percent of costs will drop by as much as \$8.55 billion over the same period, says a social welfare advocacy group, the Center for Law and Social Policy. CBO also estimates the cuts will cost families \$8.4 billion or more in uncollected child support.

*Send your comments on this story to [letters@stateline.org](mailto:letters@stateline.org). Selected reader feedback will be posted in the [Letters to the Editor](#) section.*

Contact Christine Vestal at [cvestal@stateline.org](mailto:cvestal@stateline.org).

Lansing State Journal

February 12, 2006

## **Bench warrants issued for nonpayment of child support**

Ingham and Eaton counties' Friend of the Court offices issued nearly 346 bench warrants in January against parents who are behind in child support payments. For a searchable database of the list of bench warrants for parents in arrears, go to [www.lsj.com](http://www.lsj.com)

# Campaign to raise minimum wage makes Bad Axe stop

MATT TREADWELL, The Huron Daily Tribune

02/14/2006

**BAD AXE** — On the eve of Valentine's Day state Democrats were trying to show some love to Michigan's minimum wage workers by launching a campaign to give them a raise.

The party helped kicked off the Michigan Needs a Raise coalition effort across the state Monday in hopes of putting the question of whether to increase the state's minimum wage to voters on the November ballot.

"Eight years without an increase is far too long," said Ken Pechette, chairman of the Huron County Democratic Party, during a kick-off event hosted at the local party headquarters in Bad Axe.

"Minimum wage is a critical tool in fighting poverty ... It's immoral to oppress our workers by paying them at poverty levels."

The Michigan Needs a Raise coalition, comprised of unions and other activist groups, needs to collect 317,000 signatures within six months to get the proposal on the November ballot.

If the petition drive succeeds and the ballot measure passes, the state constitution would be amended to raise the minimum wage to \$6.85 next year and link it to the rate of inflation after that. The amendment also would raise the minimum base pay for employees who earn tips from \$2.65 to \$4.35.

Michigan's current minimum wage of \$5.15 is the same as the federal minimum. Currently, 17 states and the District of Columbia have higher minimum wages.

The Michigan Chamber of Commerce, the Detroit Regional Chamber and the Michigan Restaurant Association all have said an increase could result in fewer jobs in the state.

Sarah Hubbard, a lobbyist with the Detroit chamber, said the group might look more favorably at a federal increase.

"Increasing it in Michigan puts Michigan at a disadvantage," she said.

In 2005, 88,000 people in Michigan — 3.1 percent of the state's workers — earned the minimum wage or less, according to the U.S. Bureau of Labor Statistics. The number includes tipped employees.

However, the proposal would affect many others, who earn more than the minimum but less than \$6.85.

In a recent study of a previous proposal to raise the minimum wage to \$7.15, the Michigan League for Human Services, an advocacy group, said 351,000 people would have been directly affected by that change.

"These are real people trying to make real ends meet," said John Freeman, director of the ballot campaign. He cited the league's study, which said 40 percent of minimum wage earners are the sole breadwinners in their families. Rich Studley of the Michigan chamber said the ballot campaign was a political move aimed at increasing turnout for the November elections.

Democratic Gov. Jennifer Granholm, who is up for re-election this year, favors the increase and pushed for it in her State of the State address last month.

Republicans in the Legislature twice last year blocked efforts to move a minimum wage increase through the state House and Senate in strict party-line votes.

The Huron County Democrats will host a town hall meeting to discuss raising the state's minimum wage at 6 p.m. on Feb. 23 at its party headquarters at 101 W. Huron Ave. in Bad Axe.

The Associated Press contributed to this report.

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# Minimum wage drive gets a boost

Tuesday, February 14, 2006

By Julia Bauer  
The Grand Rapids Press

GRAND RAPIDS -- When efforts to legislate a higher state minimum wage fell short, backers of the cause are counting on Michigan voters to boost base pay from \$5.15 to \$6.85.

A cadre of campaigners stopped in Grand Rapids on Monday, between stops in Lansing and Muskegon. They were part of a statewide sweep to generate a buzz and get petitions signed for the constitutional amendment to boost the base pay.

The Michigan Needs a Raise coalition is aiming for 400,000 signatures by July 1, to get the initiative on the ballot for the Nov. 7 election.

"Raising the minimum wage would benefit 400,000 workers statewide," said state Sen. Mark Schauer, D-Battle Creek.

"Work must pay better than welfare. It's a matter of fundamental fairness."

David LaGrand is an attorney who owns Grand Rapids establishments Wealthy Street Bakery Inc. and Four Friends Coffeehouse. A Democratic candidate for the 29th state Senate district, he showed up to root for the petition drive.

"I own a small business," LaGrand said at the Kent-Ionia Labor Council headquarters. "One thing businesses need more than anything else is customers. Raising the minimum wage is a fundamental first step to strengthening jobs, and ultimately, business."

Some business costs would invariably rise with the higher minimum wage, but the need is too great to ignore, he said.

"People in grinding poverty get help. That's who we're worrying about," LaGrand said.

Other small business owners are unhappy with the proposal, said Jared Rodriguez, Grand Rapids Area Chamber of Commerce vice president of government affairs.

More than 80 percent of the chamber's members own small companies, he said.

"For a business with 40 full-time minimum wage workers, with a \$2 an hour increase, that would increase the payroll by about \$180,000 annually," Rodriguez said.

He said minimum wage jobs are typically a stepping stone, not a career.

"You see jobs at Burger King asking \$9 or \$10 an hour," Rodriguez said.

Most people taking the lowest-paying jobs are students, he said.

"This would basically be a raise for students," he said. "Government wage and price controls haven't worked in the past. It doesn't help get people out of poverty."

Sue Levy, spokeswoman for United Auto Workers Region 1-D, disagrees with that view.

"Forty percent of the minimum-wage earners in our state are sole breadwinners in their family," she said. Many of those base-pay jobs are in home care, retail, hotel and other service sectors. Shannon Faust, a child-care worker from Lansing, pays \$13,000 annually for day care for her two children. But she brings home only \$8,500 a year.

"It's not right morally," she said.

"I have to decide between paying my utility bills and buying food for my children."

Michigan Report

February 14, 2006

## **LONG-TERM CARE TASK FORCE MEMBERS NAMED**

Governor Jennifer Granholm named 14 members to the state's Long-Term Care Task Force, a day after she issued Executive Order 2006-4 that expanded the task force to 17 members.

Named representing primary and secondary consumers of long-term care supports and services were Linda Mulligan of Ironwood, William Mania of Bloomfield Hills, William Gutos of Grand Rapids, Toni Wilson of Waterford, RoAnne Chaney of East Lansing, James Frances-Bohr of Lansing, Marcia Moers of East Lansing. Ms. Moers was also designated chairperson of the commission.

Representing Medicaid-funded long-term care supports were Yolanda McKinney of Southfield, Dohn Hoyle of Brighton and Jon Reardon of Saginaw; and representing direct care staff providing long-term care supports and services were Hollis Turnham of Lansing, Wendall Stone of Detroit and Sandra Kilde of Lansing.

Named as a representative of the general public was Rev. Charles Williams of Detroit.

Senate action is not required for the appointments.